

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

Robert Cottman

Wilmington, Delaware 19805

REDACTED

Criminal Complaint

07-31M-MPT.

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about February 18, 2007, in Wilmington City, New Castle County, in the District of Delaware defendant(s) did,

knowingly possess a firearm that has affected interstate commerce after being convicted of a crime that is punishable by imprisonment of more than one year.

in violation of Title 18 United States Code, Section(s) 922(g)(1).

I further state that I am a(n) Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: YES



Signature of Complainant

Patrick W. Fyock

Special Agent

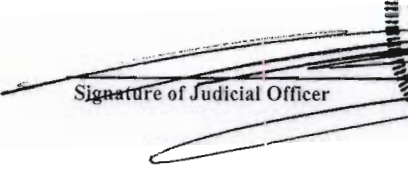
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Sworn to before me and subscribed in my presence,

February 18 at Wilmington, DE  
Date City and State

Laurence Fitchett, Judge  
Name & Title of Judicial Officer

Justice of Peace Court  
Court 20

  
Signature of Judicial Officer

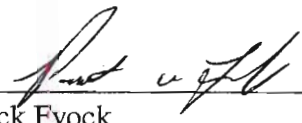


## AFFIDAVIT OF PATRICK FYOCK

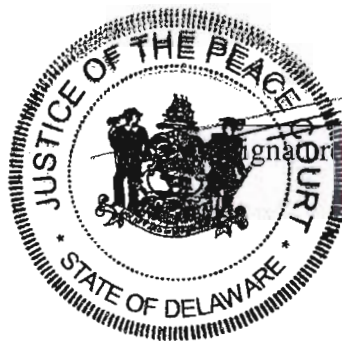
1. Patrick W. Fyock, being first duly sworn upon his oath, deposes and states that:  
I have been employed by the Bureau of Alcohol Tobacco Firearms and Explosives(ATF) as a Special Agent since July 2001. ATF is a Federal Law Enforcement agency charged with the enforcement of federal statutes relating to firearms and explosives. Title 18 U.S.C. Chapter 44 and Chapter 53 and Title 26 U.S.C., Title 18 U.S.C. Chapter 40. Prior to being hired by ATF I was employed as a Police Officer for seven years with the Nationally Accredited New Castle County Police Department in Delaware.
2. The seizure of all the below stated evidence occurred on February 18, 2007, in the City of Wilmington, State and District of Delaware, as stated to me by Officer Robert Fox, sworn Wilmington Police Officer, Delaware State Probation and Parole Officer Henry DuPont with personal knowledge of the seizure of the below items.
3. Your affiant reviewed the computer criminal history information for Robert Cottman III DOB 1974 SBI # 00265603 from the Delaware Justice Information System (DELJIS) and the National Crime Information Center (NCIC) and learned that the subject has a prior felony conviction, for which he could have been sentenced to more than one year incarceration of Possession With the Intent to Deliver Schedule II Narcotic from on or about 09/22/1997 in the Superior Court of the State of Delaware, court case number 9705006164
4. I learned the following that on February 17, 2007 Wilmington Police Officer Fox and PO DuPont were on patrol in the area of 4<sup>th</sup> and Clayton streets, Officer Fox observed a subject known to Officer Fox driving a vehicle, Officer Fox conducted a DELJIS motor vehicle check and the subject was found to be suspended. Wilmington Police Officers conducted a vehicle stop. Robert Cottman III DOB 1974 was a passenger in the vehicle. Robert Cottman III was found to be wanted for Violation of Probation. Robert Cottman III is currently on probation with Delaware State Probation and Parole. PO Dupont contacted his Probation supervisor and a Delaware State Probation and Parole Administrative Search was authorized. On February 18, 2007 Delaware State Probation and Parole Officers conducted the administrative search at city of Wilmington State of Delaware. This address is Cottman's address of record and Cottman was in possession of keys to the residence. Delaware State Probation located 3 boxes of Remington 22 caliber Subsonic ammunition under the mattress in the bedroom of Robert Cottman III. Also in this bedroom there was a State of Delaware Family Court for New Castle County Civil Notice for Robert Cottman  
Wilmington, DE. 19805 file CN02-07377. A loaded .22 caliber Rossi revolver serial # 578529 was located under the bed of Cottman's Mother, Beverly Cottman DOB 1953. A Smith & Wesson 9mm model 6904 serial # TCZ 5837 was located inside a gym bag that was inside a first floor room that was used for storage. During the search Cottman was located in the living room area and could hear the conversations of searching officers. PO Cerminaro stated he located 22 caliber ammunition in his bedroom, hearing this Cottman stated he found the ammunition outside his house and

brought it in to get them away from his house. PO DuPont contacted Beverly Cottman (mother of Robert) in the living room and asked her about the firearm. Robert Cottman III stated he found 22 caliber outside and he put it under the mattress in his mother's room for her to use for protection. When Cottman heard an officer say he found another one Cottman III turned to his mother and stated "they got the bag". Cottman told officers he found that gun in the alley way.

5. I know through my training and experience that neither Rossi nor Smith & Wesson firearms are produced in the state of Delaware, therefore both of the firearms have traveled in interstate commerce.
6. Based on the foregoing, there is probable cause to believe that Robert Cottman III committed the crime of possession of a firearm by a person prohibited, in violation of 18 U.S.C. § 922(g)(1) in the City of Wilmington, State of Delaware.

  
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Patrick Fyock  
Special Agent, ATF

Sworn to and subscribed before me this 18 day of February , 2007.



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Signature of Judicial Officer

*Laurence Fitchett*  
Judge  
Court 20, Del. J. P. Court